

Ex 43

From: Joseph Bishop [mailto:bishopengineer@gmail.com]
Sent: Wednesday, May 15, 2013 10:56 AM
To: Felitti, Peter
Cc: Brian Schaper
Subject: Docket No V-404-AO-13-10 (Blue Lake Campground)

Mr. Felitti:

Brian Schaper, the owner of All American RV Resorts I, LLC, asked me to become involved in the above compliance order last Friday. He had been attempting to answer the order himself, by disputing the findings, and asked me to provide mapping services to support his defense.

I started my work by walking the site with Mr. Schaper and listening to his view of the events at the Blue Lake Campground since he purchased the site in March of 2002. I then reviewed his file last weekend. The file contains all of the correspondence between himself and the EPA and his own evidence disputing the findings.

I believe that the Mr. Schaper acted in good faith and tried to respect his interpretation of what was wetlands. The disputed area was obviously a former wetland, but when that wetland was destroyed is the basis of Mr. Schaper's argument. A timely wetlands delineation would have probably both supported some of his arguments and educated him. He unfortunately today faces a corrective order with a looming deadline.

I have convinced Mr. Schaper that successfully disputing of all of the finding is very unlikely. He now understands that the deadline is not for him to provide a defense, but to prepare a restoration plan. I have also convinced him that his best alternative is to negotiate an agreed order with the EPA. Mr. Schaper has informed me that you have already granted him one extension. He has stated that the current deadline is May 20th.

We would like to request a forty-five day extension to submit an alternative plan. The plan would provide for the protection for the existing wetlands and the construction of an expanded wetlands area elsewhere on the site. This would provide mitigation for the disputed ground.

Please feel free to contact me to discuss any issues that you may have. I am also available at (260) 760-8332. Your immediate response would be appreciated since the current deadline is eminent.

Joseph D. Bishop, PE

Bishop Engineering & Development

268 S. Briant Street

Huntington, Indiana 46750

Phone: (260) 760-8332

Fax: (888) 514-7029

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EX-113

From: Felitti, Peter
Sent: Wednesday, May 15, 2013 4:55 PM
To: Carlson, Greg
Subject: FW: Docket No V-404-AO-13-10 (Blue Lake Campground)

Ex. 44

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Greg,

Now that I had a chance to read thru this, let me know what you think.

If we are not going to agree to mitigation (which is what the "alternative plan" calls for), then there is probably little point in any extension. If we might then, while I am getting tired of extensions, IEPA did throw me for a loop when they waded in with their own action as well, so I could live with it (though I agree with a shorter time frame- 28 days or so.)

If I recall right, you didn't think mitigation was appropriate here. To me, it could be a reasonable compromise for a small matter. But let me know if you prefer the enforcement route. Thanks.

Peter Felitti

On Thu, May 16, 2013 at 2:48 PM, Felitti, Peter <felitti.peter@epa.gov> wrote:

Mr. Bishop,

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Per our telephone conversation, EPA is agreeable to an extension of 30 days, until June 19, 2013, for the submittal from All-American. If you have any questions, please contact Mr. Carlson or myself. Thank you.

Peter Felitti

U.S. EPA

C-14J

77 West Jackson Blvd

Chicago, IL 60604

Direct- [\(312\) 886-5114](tel:(312)886-5114)

Email- felitti.peter@epa.gov

Ex. 45

Carlson, Greg

Ex. 48

From: Carlson, Greg
Sent: Thursday, May 16, 2013 1:43 PM
To: Felitti, Peter
Subject: RE: Docket No V-404-AO-13-10 (Blue Lake Campground)

I called Mr. Bishop earlier today and told him we would insist on restoration for areas west of 'West Dr.' and 4 units northmost on the eastern shoreline. I told him you would be contacting him regarding an extension at something less than 45 days.

From: Felitti, Peter
Sent: Thursday, May 16, 2013 1:25 PM
To: Carlson, Greg
Subject: RE: Docket No V-404-AO-13-10 (Blue Lake Campground)

Ex. 47

Greg,

Per your message, did you call the engineer or do you want me to call him? Thanks.

Peter

From: Joseph Bishop
Sent: Monday, June 17, 2013 3:29 PM
To: Felitti, Peter
Cc: Brian Schaper
Subject: Re: Docket No V-404-AO-13-10 (Blue Lake Campground)

Ex. 49

Dear Mr. Felitti:

I am still trying to obtain two pieces of information for my response to you, and then have my client have a final review. You had indicated that you would be willing to another extension to my originally requested forty-five days if I need it. Please grant that addition extension if you would be so kind. I do not anticipate any further time will be needed.

Sincerely,

Joseph D. Bishop, PE

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Ex. 50

On Tue, Jun 18, 2013 at 11:20 AM, Felitti, Peter <felitti.peter@epa.gov> wrote:

Mr. Bishop,

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This process has been dragging on for quite some time and needs to be resolved. However, in the interest of seeing if there is a possible resolution, we will grant an extension until July 8th. There will be no further extensions.

If you have any questions, please let Greg Carlson or I know. And for all future correspondances, and when you submit your material, be sure to include Mr. Carlson.

Peter Felitti

Dr. H. J.

Ex. 51

From: Joseph Bishop [mailto:bishopengineer@gmail.com]

Sent: Tuesday, June 18, 2013 3:15 PM

To: Felitti, Peter

Subject: Re: Docket No V-404-AO-13-10 (Blue Lake Campground)

Thank you very much. We are very close to completing our report, but are awaiting some information from others.

Ex. 52

Carlson, Greg

From: Carlson, Greg
Sent: Tuesday, June 25, 2013 8:00 AM
To: MARTY MAUPIN
Cc: Scott A Matthews
Subject: FW: Docket No V-404-AO-13-10 (Blue Lake Campground)

We have given his engineer the instructions that all four units along north lakeshore must come out as well as all fill to the west of what we have called "west drive" or the westernmost north-south road. This was his 3rd extension.

From: Joseph Bishop [<mailto:bishopengineer@gmail.com>]
Sent: Tuesday, July 09, 2013 6:03 PM
To: Felitti, Peter
Subject: Re: Docket No V-404-AO-13-10 (Blue Lake Campground)

Ex. 53

It looks as if the file did not transfer with the email due to the size. I am forwarding the document as a word file and the attachments as a separate file.

On Tue, Jul 9, 2013 at 9:39 AM, Felitti, Peter <felitti.peter@epa.gov> wrote:

Mr. Bishop,

Did you send the report yesterday?

Peter Felitti

U.S. Environmental Protection Agency

C-14J

77 West Jackson Boulevard

Chicago, Illinois 60604

(312) 886-5114

felitti.peter@epa.gov

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Ex. 55

Carlson, Greg

From: Carlson, Greg
Sent: Friday, July 26, 2013 10:35 AM
To: Melgin, Wendy
Subject: RE: Docket No V-404-AO-13-10 (Blue Lake Campground)

EPA can apply its very own Section 404(b)(1) guidelines and it is presumed (a rebuttable presumption) that when a special aquatic site is under threat from a development project that is non water dependent (like here), upland alternatives exist to achieve the project purpose (more campgrounds to lease). He has 65 acres and probably at least 35 acres of upland in wh/ to put a expanded campground. This is not even a close call.

Both IDEM and th Corps are on board for restoration.

From: Melgin, Wendy
Sent: Thursday, July 25, 2013 9:24 AM
To: Carlson, Greg
Subject: RE: Docket No V-404-AO-13-10 (Blue Lake Campground)

Ex. 54

Have you asked the Corps if they would have permitted this? That might help your position if they say it wouldn't have passed the guidelines. I'm on a call with Buffalo District on riverside commons and they are using your argument on front door/back door.

22.12

22.12